

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

MELINDA and MARK LOE,
et al.,

Plaintiffs,

v.

WILLIE JETT, *et al.*,

Defendants.

Civil No. 0:23-cv-01527-NEB-JFD

**NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT
OF PLAINTIFFS' MOTION FOR PARTIAL SUMMARY
JUDGMENT AND IN OPPOSITION TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

Plaintiffs respectfully submit this notice regarding *Union Gospel Mission of Yakima v. Ferguson*, No. 1:23-cv-3027, 2024 WL 4660918 (E.D. Wash. Nov. 1, 2024) (filed as Exhibit 1). There, the Eastern District of Washington preliminarily enjoined the Washington Law Against Discrimination (WLAD) as applied to a nonprofit religious organization seeking to hire only coreligionists. The court held that the religious organization was likely to succeed in showing the law was not generally applicable and failed strict scrutiny. *Id.* at *3-4.

First, the court held WLAD was likely not generally applicable because it exempted organizations with fewer than eight employees. *Id.* at *3. The court found it irrelevant that this exemption applied to both secular and religious organizations. *Id.* at *4. It still triggered strict scrutiny

because it “create[d] the same problem” the government sought to avoid in denying an exemption to the larger religious organization. *Id.*

The court also concluded the law likely failed strict scrutiny. The fact that Washington previously “exempt[ed] nonprofit religious organizations” entirely “for over 70 years” demonstrated there was a “less restrictive measure to advance[e] [Washington’s] interest.” *Id.* at *4 (cleaned up). Also, the law was “impermissibly underinclusive” because it allowed smaller employers to engage in the same hiring practices forbidden for the religious organization. *Id.*

Respectfully submitted,

/s/ Richard C. Landon
 Richard C. Landon
 (No. 0392306)
 Lathrop GPM
 80 South Eighth Street
 500 IDS Center
 Minneapolis, MN 55402

/s/ Eric S. Baxter
 Eric S. Baxter*
 (DC Bar No. 479221)
 Diana Verm Thomson*
 Benjamin A. Fleshman*
 Andrea R. Butler*
 The Becket Fund for Religious
 Liberty
 1919 Pennsylvania Ave., NW
 Suite 400
 Washington, DC 20006
 Telephone: (202) 955-0095
 Facsimile: (202) 955-0090
** Admitted pro hac vice*

Counsel for Plaintiffs